

Agenda Item #

48

Distribution

Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS

)

No. 3723

Lake Villa Township

)

SS

COUNTY OF LAKE

)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

September 9, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3723, which consists of the Petition of William Grunewald, record owner, and Campus Investments, contract purchaser, which seeks rezoning from the Agricultural zone to the Residential - 3 zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioner, the Zoning Board of Appeals vote is 5 "Ayes" and 1 "Nay." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 1 "Ayes" and 4 "Nays".

- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Samuel D. Reed Aye Nay ✓  
CHAIRPERSON

Ludy Martini ✓  
VICE-CHAIRPERSON

[Signature] ✓

Robert Sabar ✓

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## RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois on the Petition of William Grunewald, record owner, and Campus Investments, contract purchaser, which seeks rezoning from the Agricultural zone to the Residential – 3 zone for the following real estate, to-wit:

That part of the North 12.6 chains of the South West quarter of Section 31, Township 46 North, Range 10, East of the Third Principal Meridian, and that part of the East half of the East half of Section 36, Township 46 North, Range 9, East of the Third Principal Meridian described by commencing at the center of Section 31, Township 46 North, Range 10, East of the Third Principal Meridian, and running South 0 degrees 30' East along the East line of the South West ¼ of said Section 31, 223.6 feet to a point 608.0 feet North of the South line of the North 12.6 chains of said South West ¼ of Section 31 for a point of beginning; thence continuing South 0 degrees 30' East along said East line of the South West ¼ of said Section 31, 608.0 feet to the South line of the North 12.6 chains of said South West ¼; thence West along said line and along said line extended West, 2616.80 feet to the center line of the public highway known as the Fox Lake and Antioch Road, now Highway 59; thence North 19 degrees 05' East along the center line of said highway 642.80 feet; thence East parallel with the South line of the North 12.60 chains of the South West ¼ of said Section 31, 2400.90 feet to the point of beginning, in Lake County, Illinois.

PIN: Approximately the eastern 1430 ft. of 02-31-300-002

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 5 – 1 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 1 to 4 that the petition be granted. Motion made by Member Leafblad, with a second by Member Sabonjian, to grant the petition. Voting "Aye" was Member Newton; voting "Nay", Members Martini, Whitmore, Leafblad and Sabonjian.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioner for rezoning from the Agricultural to the Residential – 3 zone be granted; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the Petitioners as to the action taken by the Board.

STATE OF ILLINOIS     )  
                              )  
COUNTY OF LAKE       )       SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS

September 9, 2008

MADAME CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of William Grunewald, record owner, and Campus Investments, contract purchaser, which seeks rezoning from the Agricultural zone to the Residential – 3 zone. After due consideration, we hereby recommend by a vote of 5 to 1 that this application be granted.

We find that this application meets the standards for rezoning in the following manner:

Standard A: The proposed amendment is consistent with the stated purpose and intent of the Unified Development Ordinance.

Finding: The subject property is designated Residential Single-family Medium Lot on the future land use map of the *Framework Plan*, which specifies a lot size of between 1 and 3 acres. However, the maximum density allowed in the R – 3 zone (2 du/ac) is compatible with the density of other nearby residential subdivisions.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Finding: The proposed amendment will correct an inconsistency. The western portion of the parcel is already zoned R – 3. The two large (approx. 38 acres total area), privately owned parcels south of the subject property in Lake Villa have a residential zoning that would allow a maximum single-family gross density of 1.8 units per acre, which is similar to the proposed R – 3 zoning.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Finding: Based on the conceptual subdivision plan submitted with the rezoning petition, the lot sizes in the proposed R – 3 subdivision will be significantly larger than those in the four nearby R – 3 subdivisions on the west side of IL Route 59. Even if the conceptual subdivision plan is not considered, the maximum R – 3 density of two units per acre will be compatible with the other nearby residential developments in unincorporated Lake County. The proposed R – 3 zoning is also compatible with the density of nearby residentially zoned property in Lake Villa. R – 3 development on the subject property will be compatible with the zoning and uses of nearby properties.

Standard D: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Finding: Lake County Public Works is able to provide sewer. It is possible for the property to be served by a County owned and maintained water system but significant water system improvements must be provided by the developer. Driveway access to IL Route 59 is under the jurisdiction of IDOT.

Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Finding: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F: The subject property is suitable for the proposed zoning classification.

Finding: The subject property is suitable for the proposed R – 3 zoning.

At the close of the hearing held on June 3, 2008, a motion to recommend that the rezoning be granted based on the above findings was made by Member Koeppen, seconded by Member Stimpson, and passed by a vote of 5 to 1. Voting "Aye" were Members Bell, Koeppen, Stimpson, Westerman and Zerba; voting "Nay", Member Reindl.

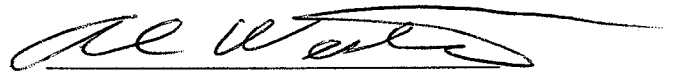
Zoning Case # 3723  
Lake Villa Township

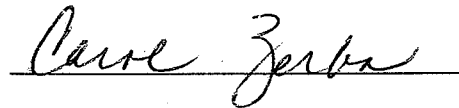
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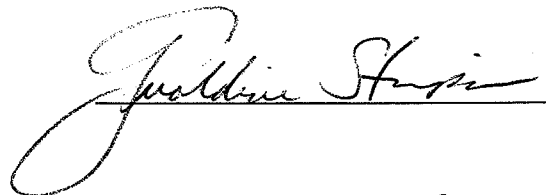
CHAIRMAN

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VICE-CHAIRMAN









Dated this 12th day of June 2008

## Summary of Testimony

ZBA #3723

### Rezoning from Agricultural to R – 3 for developing approximately 57 single-family, residential lots

A public hearing was conducted by the Lake County Zoning Board of Appeals on Tuesday, June 3, 2008 at 1:00 p.m. in the Lake Villa Township Hall, 37908 N. Fairfield Road, Lake Villa, Illinois, relative to the petition of William Grunewald, record owner, and Campus Investments, contract purchaser, which seeks rezoning from the Agricultural zone to the Residential – 3 zone for the purpose of developing approximately 57 single-family residential lots. The subject property is located approximately 1800 ft. north of Grand Ave. and approximately 1000 ft. east of IL Route 59 at 38253 N. IL Route 59, Lake Villa, and contains approximately 19.6 acres. The following is a summary of the testimony:

1. Mr. Sebastian Rucci, representative, testified that the subject property is a portion of one single parcel of 62.4 acres, the western 43 acres of which are already zoned R – 3. Campus Investments intends to develop the entire parcel as a single-family subdivision with 118 units. Mr. Rucci further testified that Bill Grunewald has owned the property since 1944 and that it has not been farmed since 1958.
2. In addressing the standards, Mr. Rucci acknowledged that the request only partially meets Standard A: the future land use in the Framework Plan is single-family medium lot, with lot sizes between 1 and 3 acres, whereas the minimum required lot size in R – 3 is 12,000 square feet. However, he pointed out that the current Agricultural zoning also is not consistent with the future land use of residential. In addition, because central sewer and water can be provided the request is consistent with UDO Section 1.5.K., which supports concentrating development in areas with adequate water and sewer facilities.
3. Mr. Rucci testified that the petition meets the other standards. The proposed amendment will correct an inconsistency because the western portion of the parcel is already zoned R – 3. The maximum R – 3 density of two units per acre will be compatible with other nearby residential developments in unincorporated Lake County, and the density of nearby residentially zoned property in Lake Villa; central sewer and water can be provided; no significant adverse impacts to other property or the environment will occur; and the subject property is suitable for the proposed R – 3 zoning.
4. Mr. Rucci testified that a 12" water main is located along Route 59, adjacent to the property. However, infrastructure to increase water pressure is needed. The developer is willing to provide a 150,000 gallon storage tank, a booster station, a 300 gpm well, iron removal, and a looped system.
5. Mr. Charles DeGrave, Lake County Public Works, testified the only significant difference between the developer and Public Works regarding the infrastructure necessary is that Public Works prefers an elevated tank, whereas the developer favors an in-ground storage reservoir.
6. Mr. Ron Gengel, a neighbor to the east and northeast, testified that following the construction of Polombi Middle School the area began to flood. Mr. Rucci responded by saying that the subdivision would have to comply with stormwater management requirements in order to be approved. He stated that the developer would be willing to have his engineers meet with the neighbors to see if the new subdivision might be able to help alleviate the current flooding problem.

## **Summary of Department Comments**

**ZBA #3723**

### **Rezoning from Agricultural zone to R – 3**

#### **Lake County Division of Transportation:**

The Division of Transportation has no comments since access to the proposed subdivision is on State Hwy 59, which is under the jurisdiction of IDOT.

#### **Lake County Department of Public Works:**

There is adequate sewer capacity to serve the property via the sanitary sewer main located on the east side of Route 59.

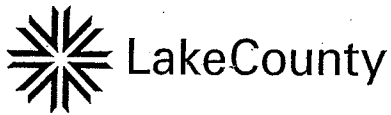
At the present time, the Fox Lake Hills water system does not have capacity to serve the proposed 118 unit subdivision; and the current system would not be able to serve the development with minimum pressure because of the high ground elevation of the subject property. Public Works would like the developer to put in a test well to confirm that the quantity of groundwater is adequate and also to analyze the quality of the water with respect to iron and fluoride. Public Works believes a 300 gpm well, a booster station and an elevated storage tank with a minimum capacity of 150,000 gallons are necessary to properly serve the future subdivision.

Public Works recommends that the rezoning not be granted until the developer and the Department agree on the preliminary design of the water system improvements.

#### **Lake County Department of Planning, Building and Development:**

Planning staff recommends approval of the rezoning because the request complies with the preponderance of the required standards.

Specifically, the amendment will correct an inconsistency since the western portion of the parcel is already zoned R – 3; the rezoning is compatible with the zoning and land uses of nearby properties; public sewer is available and a central water system can be provided; the rezoning will not have any significant adverse effects on the environment and the site is suitable for the proposed use as a residential subdivision. However, the amendment is not in conformance with the future land use of the County's comprehensive plan. The minimum 12,000 square foot lot size allowed in R – 3 is smaller than the 1 – 3 acre lot size of the Residential Single-family Medium Lot land use category.



Philip J. Rovang  
Director

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## MEMORANDUM

May 29, 2008

TO: George Bell, Chairman  
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director *RM*  
Lake County Department of Planning, Building and Development

CASE NO: 3723 Rezoning

REQUESTED ACTION: Rezoning from the Agricultural to the Residential – 3 zoning district for the purpose of developing approximately 57 single-family residential lots.

PUBLIC HEARING DATE: June 3, 2008

### GENERAL INFORMATION

PETITIONERS: William Grunewald, record owner, and Campus Investments, contract purchaser

# OF PARCELS: One (a portion thereof)

SIZE: 19.6 acres

LOCATION: 1800 ft. north of Grand Ave. and approximately 1000 ft. east of IL Route 59 at 38253 N. IL Route 59, Lake Villa

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EXISTING ZONING: Agricultural

PROPOSED ZONING: Residential – 3

EXISTING LAND USE: Farm land

PROPOSED LAND USE: Residential subdivision of approximately 57 single-family lots. (The subject property will be combined with the western 42.9 acres presently zoned R – 3 for a total area of 62.44 acres for 118 lots.)

Development Review  
Bob Mosteller  
Deputy Director

Zoning Administration  
Sheel Yajnik  
Zoning Administrator

Planning and Support Services  
Dennis Sandquist  
Deputy Director

Community Development  
Vern Witkowski  
Deputy Director



**NONCONFORMING LOT:** The subject property is a nonconforming zoning lot in the Agricultural zoning district because of lot width. The AG zoned portion is not a separate parcel.

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### **SURROUNDING ZONING / LAND USE**

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**WEST:** Unincorporated: (on the west side of IL Route 59) R – 3 / Single-family subdivisions (Columbia Bay Estates, Buena Park, Fitzgerald Resub. of Sunset Homesites and Fox Lake Hills); R – 1 / Single-family dwellings and vacant

**WEST:** Unincorporated: (the western portion of the proposed subdivision) R – 3 / Vacant

**NORTH:** Unincorporated: AG / Farmland, vacant

**EAST:** Village of Lake Villa: AG / Farmland, vacant

**SOUTH:** Village of Lake Villa: Suburban Residential 2 (min. lot size 15,000 sq. ft.; gross density 1.8 units/ acre) / Single-family dwellings and vacant lots; AG / Vacant

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### **COMPREHENSIVE PLANS**

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**LAKE COUNTY:** Residential Single-family Medium Lot (1 – 3 acres)

**MUNICIPALITIES WITHIN 1 ½ MILES:** Village of Lake Villa / Not designated

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### **DETAILS OF REQUEST**

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**ACCESS:** Access will be from IL Route 59, through the portion of the proposed subdivision currently zoned R – 3.

**PHYSICAL CHARACTERISTICS:** The property involved in the requested rezoning is relatively flat. There are no apparent obstacles to the development of an R – 3 subdivision on the subject property, provided public sewer and water can be obtained.

**FLOODPLAIN / WETLANDS** According to the County's GIS the subject property is not in a floodplain and does not contain any wetlands.

**SEWER AND WATER:** The developer intends to utilize public sewer and public water.

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## ADDITIONAL COMMENTS

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The R – 3 zoning district is “generally intended to be applied in areas with existing infrastructure” (UDO 5.5.1).

Public water and public sewer lines are located along Route 59 adjacent to the subject property. Both have capacity to serve the desired R – 3 residential subdivision.

Providing public water will require an extensive amount of distribution and treatment infrastructure. Lake County Public Works is seeking a commitment from the developer that the infrastructure will be provided if the rezoning is approved. However, rezoning cannot be made conditional upon future infrastructure. The rezoning, if approved, does not commit the owner to go forward with subdivision. Infrastructure availability will be reviewed during subdivision review, if and when the developer proceeds to the subdivision phase.

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## RECOMMENDATION ON REZONING

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In staff's opinion the request predominately satisfies the required criteria and we therefore recommend approval.

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### Map Amendment Approval Criteria – UDO Section 3.3.8

Standard A: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: The subject property is designated Residential Single-family Medium Lot on the future land use map of the *Framework Plan*, which specifies a lot size of between 1 and 3 acres. The entire subdivision of 62.44 acres with 118 lots has a density of nearly 2 units per acre (1.89 units per acre) which exceeds the maximum density based on the Future Land Use.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The proposed amendment will correct an inconsistency. The western portion of the parcel is already zoned R – 3. The two large (approx. 38 acres total area), privately owned parcels south of the subject property in Lake Villa have a residential zoning (SR2) that would allow a maximum single-family gross density of 1.8 units per acre, which is compatible with the proposed R – 3 zoning.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: Based on the conceptual subdivision plan submitted with the rezoning petition, the lot sizes in the proposed R – 3 subdivision will be significantly larger than those in the four nearby R – 3 subdivisions on the west side of IL Route 59. Even if the conceptual subdivision plan is not considered, the maximum R – 3 density of two units per acre will be compatible with the other nearby residential developments in unincorporated Lake County. The proposed R – 3 zoning is also compatible with single-family development allowed in the Lake Villa SR2 zoning district. R – 3 development on the subject property will not be incompatible with the zoning and uses of nearby properties.

Standard D: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Comment: Lake County Public Works is able to provide water and sewer; however, the developer must provide the necessary on-site infrastructure to connect to the County's systems. Driveway access to IL Route 59 is under the jurisdiction of IDOT.

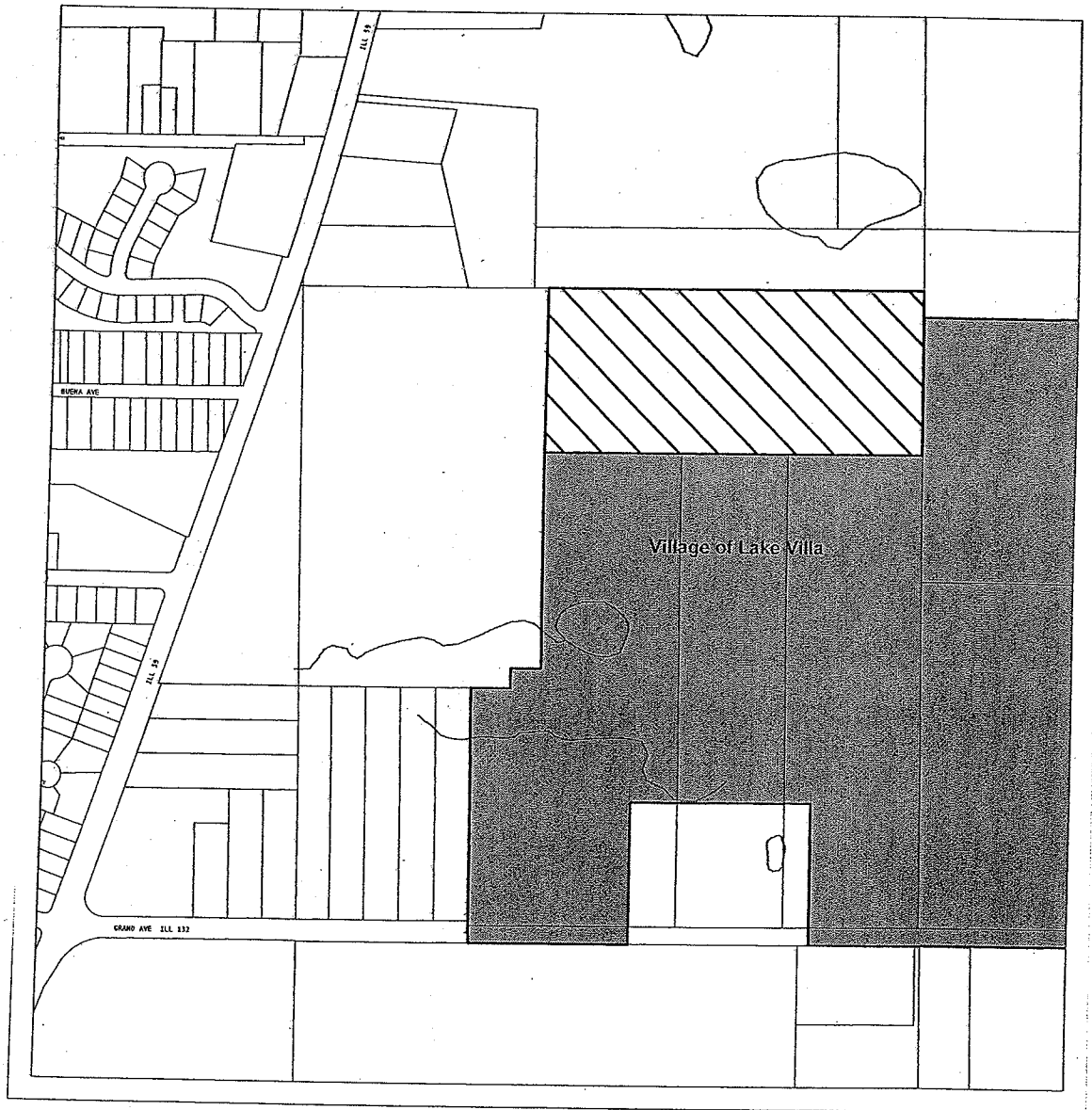
Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Comment: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F: The subject property is suitable for the proposed zoning classification.

Comment: The subject property is suitable for the proposed R – 3 zoning.

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# Zoning Board of Appeals Case# 3723

Lake Villa Township